

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

5:09-CR-281-1H
5:14-CV-358-H

EDDIE WAYNE SNEAD,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the court on petitioner's motion for reconsideration pursuant to Fed. R. Civ. P. 59(e) and 60(b)(6), [DE #178], asking this court to reconsider its order and judgment, [DE #176 and #177], dismissing petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. Petitioner filed a motion to amend his motion to reconsider, [DE #179].

Petitioner subsequently filed a motion to vacate, [DE #180], which was dismissed as successive. [DE #182].

Courts have generally recognized three grounds for altering or amending judgments under Federal Rule of Civil Procedure 59(e). See Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993).


Specifically, courts will alter or amend "an earlier judgment: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Id. (citing Weyerhaeuser Corp. v. Koppers Co., 771 F.Supp. 1406, 1419 (D. Md. 1991) and Atkins v. Marathon LeTourneau Co., 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

The court, having reviewed petitioner's motion as well as the record in this matter, finds no reason to alter or amend its prior order and judgment. Therefore, petitioner's motion for reconsideration [DE #178, #179] is DENIED. The court finds no reason to alter its prior order denying a certificate of appealability.

Petitioner has also filed a motion to reduce sentence pursuant to 18 U.S.C. § 3582, [DE #184]; a motion to put his Nunc-Pro-Tunc Judgment /35(a) motion, [DE #186], in abeyance, [DE #185]; a sealed motion for reduction of sentence pursuant to "Nunc-Pro-Tunc Judgment/35(a)", [DE #186]; and a request to correct error and point level reduction, [DE #187], which motions are denied for lack of good cause shown.

Also before the court is defendant's motion for reduction pursuant to the First Step Act [DE #189]. As defendant was sentenced after the effective date of the Fair Sentencing Act, section 404(b) of the First Step Act does not provide relief to defendant. Therefore, his motion [DE #189] is DENIED.

This 30th day of April 2020.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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